

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2252

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 28-332, Arizona Revised Statutes, is amended to read:

28-332. Department of transportation jurisdiction; duties; divisions

A. The exclusive control and jurisdiction over state highways, state routes, state owned airports and all state owned transportation systems or modes are vested in the department of transportation.

B. The department shall:

1. Register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation statutes and perform related functions.

2. Do ~~multi-modal~~ MULTIMODAL state transportation planning, cooperate and coordinate transportation planning with local governments and establish an annually updated priority program of capital improvements for all transportation modes.

3. Design and construct transportation facilities in accordance with a priority plan and maintain and operate state highways, state owned airports and state public transportation systems.

4. Investigate new transportation systems and cooperate with and advise local governments concerning the development and operation of public transit systems.

5. Have administrative jurisdiction of transportation safety programs and implement them in accordance with applicable law.

C. In order to carry out the responsibilities enumerated in subsection B, the department is organized into the following divisions:

1. Motor vehicle.

2. Transportation planning.

1           3. Highways.

2           4. Aeronautics.

3           5. Public transit.

4           6. Administrative services.

5           D. THE DEPARTMENT SHALL PROVIDE GENERAL ADMINISTRATIVE SUPPORT,  
6 EQUIPMENT AND OFFICE AND MEETING SPACE TO THE ARIZONA INTERNATIONAL  
7 DEVELOPMENT AUTHORITY ESTABLISHED BY TITLE 41, CHAPTER 45.

8           Sec. 2. Section 41-1504, Arizona Revised Statutes, is amended to read:  
9 41-1504. Department powers and duties

10          A. The department shall:

11           1. Formulate policies, plans and programs designed to encourage  
12 orderly planning and stimulate economic activity and the development and use  
13 of solar energy in this state and to effectuate this chapter.

14           2. Stimulate and encourage all local, state, regional and federal  
15 governmental agencies and all private persons and enterprises that have  
16 similar and related objectives and purposes, cooperate with the agencies,  
17 persons and enterprises and correlate department plans, programs and  
18 operations with those of the agencies, persons and enterprises.

19           3. Conduct research on its own initiative or at the request of the  
20 governor, the legislature or state or local agencies pertaining to any  
21 department objectives.

22           4. Provide information and advice on request of any local, state or  
23 federal agencies, private persons and business enterprises on matters within  
24 the scope of department activities.

25           5. Consult with and make recommendations to the governor and the  
26 legislature on all matters concerning department objectives.

27           6. Make annual reports to the governor and the legislature on its  
28 activities, its finances and the scope of its operations.

29           7. Undertake a comprehensive research program designed to:

30           (a) Establish the department as the central repository and  
31 clearinghouse for all data relating to this state's economy, energy and other  
32 resources as they relate to economic planning and development.

1 (b) Maintain a current inventory of the resources of this state.

2 (c) Investigate potential opportunities for the development of energy,  
3 industry and other commerce throughout this state.

4 8. Promote and encourage the location of new business in this state as  
5 well as the maintenance and expansion of existing business in this state.  
6 Such programs shall include a special focus on fostering the recruitment and  
7 development of industries in the nonmetropolitan communities in this state.

8 9. Receive, administer and disburse federal energy monies for energy  
9 programs ~~which~~ THAT benefit this state.

10 10. Determine and collect registry fees for the administration of the  
11 allocation of federal tax exempt industrial development bonds and student  
12 loan bonds authorized by the department. Such monies collected by the  
13 department shall be deposited, pursuant to sections 35-146 and 35-147, in a  
14 department bond fund. Monies in the fund shall BE USED, subject to annual  
15 appropriation by the legislature, ~~be-used~~ by the department to administer the  
16 allocations provided in this paragraph and are exempt from section 35-190.

17 11. Determine and collect security deposits for the allocation, for the  
18 extension of allocations and for the difference between allocations and  
19 principal amounts of federal tax exempt industrial development bonds and  
20 student loan bonds authorized by the department. Security deposits forfeited  
21 to the department shall be deposited in the state general fund.

22 12. Encourage the development, use and conservation of solar energy and  
23 other renewable energy sources.

24 13. Establish and oversee the operations of export and import trade and  
25 tourism offices in the Far East, the Republic of Mexico and Europe for the  
26 purpose of expanding export trade opportunities for businesses and industries  
27 located in Arizona if after research the department determines that such  
28 establishment and oversight are feasible.

29 14. Establish and oversee the operations of a part-time export and  
30 import trade and tourism office in Japan if an office has not been  
31 established in Japan pursuant to paragraph 13 of this subsection and a  
32 part-time export and import trade and tourism office in Canada for the

1 purpose of expanding export trade opportunities for businesses and industries  
2 located in this state if the department determines that such establishment  
3 and oversight are feasible.

4 15. On or before the conclusion of each calendar quarter, report to the  
5 governor, the president of the senate and the speaker of the house of  
6 representatives on the activities of the department relating to economic  
7 planning and development. The report shall include the status of the  
8 long-range strategic plan.

9 16. Establish a minority and women-owned business development program  
10 to promote the economic development of minority and women-owned business  
11 enterprises. The program shall provide data relating to minority and  
12 women-owned businesses and shall promote utilization and development of the  
13 state's minority and women entrepreneurs.

14 17. Establish a small business advocate office to promote the creation,  
15 growth and vitality of Arizona small businesses and to act as an advocate for  
16 small business interests before the governor, THE legislature and state  
17 agencies as well as the community at large.

18 18. Cooperate with the Arizona-Mexico commission in the governor's  
19 office and with researchers at universities in this state to collect data and  
20 conduct projects in the United States and Mexico on issues that are within  
21 the scope of the department's duties and that relate to quality of life,  
22 trade and economic development in this state in a manner that will help the  
23 Arizona-Mexico commission to assess and enhance the economic competitiveness  
24 of this state and of the Arizona-Mexico region.

25 19. Through its clearinghouse on grant information, maintain data  
26 regarding grants awarded by state agencies and universities. On or before  
27 December 1 of each year, each state agency and university shall submit a  
28 report to the department that includes information about each grant awarded  
29 by the state agency or university in the preceding fiscal year. The  
30 information shall include the amount of each grant, the recipient of each  
31 grant and the purpose of each grant.

1           20. Be the state registration agency for apprenticeship functions  
2 prescribed by the federal government.

3           B. The department, through the director, may:

4           1. Employ administrative, secretarial and clerical assistants and  
5 contract for the services of outside advisers, consultants and aides  
6 reasonably necessary or desirable to enable the department to adequately  
7 perform its duties.

8           2. Contract and incur obligations reasonably necessary or desirable  
9 within the general scope of department activities and operations to enable  
10 the department to adequately perform its duties.

11           3. Utilize any media of communication, publication and exhibition in  
12 the dissemination of information, advertising and publicity in any field of  
13 its purposes, objectives or duties.

14           4. Adopt rules deemed necessary or desirable to govern its procedures  
15 and business.

16           5. Contract with other agencies in furtherance of any department  
17 program.

18           6. Use monies, facilities or services to provide matching  
19 contributions under federal or other programs ~~which~~ THAT further the  
20 objectives and programs of the department.

21           7. Accept gifts, grants, matching monies or direct payments from  
22 public or private agencies or private persons and enterprises for the conduct  
23 of programs ~~which~~ THAT are consistent with the general purposes and  
24 objectives of this chapter.

25           ~~8. Notwithstanding section 41-1553.05, subsection A, provide staff~~  
26 ~~support to the Arizona international development authority.~~

27           C. The department shall not advocate or take a position on any special  
28 direct tax on any resident of this state for a sports facility or venue.

29           Sec. 3. Repeal

30           Title 41, chapter 10, article 7, Arizona Revised Statutes, is repealed.

1           Sec. 4. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
2 amended by adding section 41-3019.01, to read:

3           41-3019.01. Arizona international development authority:  
4                                   termination July 1, 2019

5           A. THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY TERMINATES ON JULY  
6 1, 2019.

7           B. TITLE 41, CHAPTER 45 IS REPEALED ON JANUARY 1, 2020.

8           Sec. 5. Title 41, Arizona Revised Statutes, is amended by adding  
9 chapter 45, to read:

10                                   CHAPTER 45

11                   INTERNATIONAL TRANSPORTATION AND PORT INFRASTRUCTURE DEVELOPMENT

12                                   ARTICLE 1. GENERAL PROVISIONS

13           41-4501. Definitions

14           IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

15           1. "ACQUIRE" MEANS PURCHASE, LEASE AS LESSEE, OBTAIN AN INTEREST AS  
16 LENDER OR AS MORTGAGEE OR BENEFICIARY UNDER A DEED OF TRUST, OPERATE, ERECT,  
17 BUILD, CONSTRUCT, RECONSTRUCT, REMODEL, REPAIR, REPLACE, ALTER, EXTEND,  
18 BETTER, EQUIP, FURNISH, DEVELOP, IMPROVE OR EMBELLISH ANY PROPERTY, INCLUDING  
19 SITE ACQUISITION, PREPARATION AND DEVELOPMENT AND ALL INCIDENTAL ACTIVITIES.

20           2. "AGREEMENT" MEANS ANY AGREEMENT, CONTRACT, NOTE, MORTGAGE, DEED OF  
21 TRUST, LEASE, SUBLEASE OR OTHER SUCH INSTRUMENT ENTERED INTO BY THE  
22 AUTHORITY.

23           3. "ARIZONA-MEXICO BORDER AREA" MEANS THE GEOGRAPHIC AREA IN THIS  
24 STATE THAT IS WITHIN SIXTY-TWO MILES OF THE ARIZONA-MEXICO BORDER LINE AND IN  
25 MEXICO WITHIN SIX MILES OF THE ARIZONA-MEXICO BORDER LINE.

26           4. "AUTHORITY" MEANS THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY.

27           5. "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

28           6. "BONDS" MEANS ANY BONDS ISSUED PURSUANT TO THIS CHAPTER.

29           7. "BORDER REGIONAL PORT AUTHORITY" MEANS A NONPROFIT ENTITY THAT IS  
30 ORGANIZED IN THIS STATE PURSUANT TO TITLE 10, THAT IS BASED IN A COUNTY  
31 WITHIN SIXTY-TWO MILES OF THE ARIZONA-MEXICO BORDER LINE AND THAT PROMOTES  
32 TRADE AND COMMERCE WITHIN THE ARIZONA-MEXICO BORDER AREA BY:

1           (a) IMPROVING THE EFFICIENCY AND PRODUCTIVITY OF EXISTING  
2           INTERNATIONAL PORTS OF ENTRY AT THE BORDER, INCLUDING THE CONSTRUCTION,  
3           OPERATION AND MAINTENANCE OF THESE FACILITIES OR OTHER SUPPORTING FACILITIES.

4           (b) PROMOTING PROJECTS THAT WILL ENHANCE THE TRANSPORTATION FLOW  
5           THROUGH THE PORTS OF ENTRY AND THROUGHOUT THE ARIZONA-MEXICO BORDER AREA.

6           (c) PROMOTING A MEMBERSHIP THAT REFLECTS A BROAD CROSS SECTION OF  
7           LOCAL GOVERNMENT, INDUSTRY AND COMMERCE AND THE COMMUNITY IN GENERAL.

8           8. "COSTS" INCLUDES ALL COSTS AND EXPENSES INCURRED IN THE ISSUANCE OF  
9           BONDS, INCLUDING LEGAL, ACCOUNTING, CONSULTING, PRINTING, ADVERTISING AND  
10          TRAVEL COSTS AND EXPENSES, AND MAY ALSO INCLUDE INTEREST ON BONDS ISSUED  
11          PURSUANT TO THIS CHAPTER FOR A REASONABLE TIME BEFORE AND DURING CONSTRUCTION  
12          AND AFTER COMPLETION OF CONSTRUCTION OF ANY PROJECT.

13          9. "ENTITY" MEANS THE UNITED STATES OR ANY AGENCY OR DEPARTMENT OF THE  
14          UNITED STATES, ANY STATE OR ANY AGENCY, DEPARTMENT OR POLITICAL SUBDIVISION  
15          OF THIS STATE OR ANY OTHER STATE OF THE UNITED STATES, ANY INDIAN TRIBE, ANY  
16          BORDER REGIONAL PORT AUTHORITY, ANY FOREIGN COUNTRY OR ANY STATE, AGENCY,  
17          DEPARTMENT OR OTHER POLITICAL SUBDIVISION OF ANY FOREIGN COUNTRY, INCLUDING  
18          MEXICO AND ANY STATE, AGENCY, DEPARTMENT OR OTHER POLITICAL SUBDIVISION OF  
19          MEXICO, OR ANY PUBLIC OR PRIVATE CORPORATION, COMPANY, PARTNERSHIP, JOINT  
20          VENTURE, FOUNDATION, TRUST, ESTATE, INDIVIDUAL OR OTHER LEGAL BUSINESS  
21          ORGANIZATION.

22          10. "FEDERAL AGENCY" MEANS ANY AGENCY OR DEPARTMENT OF THE UNITED  
23          STATES, INCLUDING THE UNITED STATES DEPARTMENT OF COMMERCE, THE UNITED STATES  
24          DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES DEPARTMENT OF HOMELAND  
25          SECURITY.

26          11. "PROJECT" MEANS ANY PROPERTY AND RELATED FACILITIES, WHETHER OR NOT  
27          NOW IN EXISTENCE, ACQUIRED TO FACILITATE INTERNATIONAL TRADE OR COMMERCE  
28          BETWEEN THIS STATE AND OTHER COUNTRIES, INCLUDING PROPERTY SUITABLE FOR ANY  
29          OF THE FOLLOWING PURPOSES:

30               (a) INTERNATIONAL PORTS OF ENTRY.

31               (b) INTERNATIONAL BORDER CROSSING FACILITIES.

1 (c) TRANSPORTATION AND SHIPPING FACILITIES, INCLUDING RAILROAD, DOCK,  
2 AIRPORT, HIGHWAY AND ROADWAY FACILITIES, OTHER THAN A HIGHWAY OR ROADWAY  
3 UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION, AND INCLUDING  
4 PUBLIC TRANSPORTATION, SURFACE MASS TRANSIT AND INTERMODAL SURFACE  
5 TRANSPORTATION FACILITIES.

6 (d) ANY FACILITIES LOCATED OR TO BE LOCATED IN THE ARIZONA-MEXICO  
7 BORDER AREA FOR THE TRANSMISSION OR TRANSPORTATION OF ELECTRICITY, LIQUEFIED  
8 NATURAL GAS, NATURAL GAS AND OIL AND ITS DERIVATIVES ACROSS THE UNITED  
9 STATES-MEXICO BORDER.

10 12. "PROPERTY" MEANS LAND, IMPROVEMENTS TO LAND, BUILDINGS,  
11 IMPROVEMENTS TO BUILDINGS, MACHINERY AND EQUIPMENT OF ANY KIND, OPERATING  
12 CAPITAL AND ANY OTHER REAL OR PERSONAL PROPERTY NECESSARY FOR A PROJECT.

13 13. "TRUSTEE" MEANS ANY FINANCIAL INSTITUTION OR TRUST COMPANY ACTUALLY  
14 DOING BUSINESS IN THIS STATE.

15 41-4502. Establishment of authority; political subdivision

16 THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY IS ESTABLISHED. THE  
17 AUTHORITY IS A CORPORATE BODY AND IS A POLITICAL SUBDIVISION OF THIS STATE.

18 41-4503. Board of directors; members; appointment;  
19 qualifications; terms; officers; meetings;  
20 reimbursement

21 A. THE AUTHORITY'S GOVERNING BOARD IS A BOARD OF DIRECTORS CONSISTING  
22 OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO TITLE 38, CHAPTER 2,  
23 ARTICLE 2. MEMBERS OF THE BOARD SHALL BE CHOSEN BASED ON THEIR EXPERIENCE IN  
24 ONE OR MORE OF THE FIELDS OF PUBLIC FINANCE, INTERNATIONAL BANKING,  
25 INTERNATIONAL COMMERCE AND RELATIONS, TRANSPORTATION, INFRASTRUCTURE AND  
26 RELATED FACILITIES CONSTRUCTION AND LAND USE PLANNING. AT LEAST ONE MEMBER  
27 SHALL BE FROM EACH OF COCHISE, SANTA CRUZ, PIMA AND YUMA COUNTIES. NO MORE  
28 THAN TWO MEMBERS SHALL BE SELECTED FROM THE SAME COUNTY. IN THOSE ELIGIBLE  
29 COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY EXISTS, THE GOVERNOR SHALL  
30 APPOINT ONE MEMBER OF THE QUALIFYING BORDER REGIONAL PORT AUTHORITY BOARD TO  
31 THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY BOARD. IN THOSE ELIGIBLE  
32 COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY DOES NOT EXIST, THE GOVERNOR



1        SHALL APPOINT A MEMBER FROM THE RESPECTIVE COUNTY THAT MEETS THE  
2        QUALIFICATIONS OF THIS SECTION. THE GOVERNOR MAY REMOVE ANY MEMBER OF THE  
3        ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY BOARD FOR CAUSE.

4        B. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE  
5        SENATE, THE DIRECTOR OF THE DEPARTMENT OF COMMERCE, THE DIRECTOR OF THE  
6        DEPARTMENT OF TRANSPORTATION AND A REPRESENTATIVE DESIGNATED BY THE  
7        INTERTRIBAL COUNCIL OF ARIZONA ARE ADVISORY MEMBERS OF THE BOARD BUT ARE NOT  
8        ELIGIBLE TO VOTE AND ARE NOT MEMBERS OF THE BOARD FOR PURPOSES OF DETERMINING  
9        A QUORUM.

10       C. EACH APPOINTED MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF FIVE  
11       YEARS AND IS INELIGIBLE TO SERVE A SUCCESSIVE TERM, BUT MAY SUBSEQUENTLY BE  
12       REAPPOINTED TO THE BOARD. VACANCIES OCCURRING OTHER THAN BY EXPIRATION OF  
13       TERM SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM IN THE SAME  
14       MANNER AS MEMBERS ARE APPOINTED.

15       D. THE INITIAL BOARD MEMBERS SHALL ORGANIZE THE BOARD. THE BOARD  
16       SHALL ANNUALLY ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, A SECRETARY AND A  
17       TREASURER AND MAY ALSO ELECT OTHER OFFICERS IT DEEMS APPROPRIATE.

18       E. THE BOARD SHALL PROVIDE FOR A REGULAR ANNUAL MEETING OF THE BOARD  
19       AND OTHER REGULAR MEETINGS AS THE BOARD DETERMINES. THE CHAIRPERSON MAY CALL  
20       A SPECIAL MEETING AT ANY TIME. THE BOARD SHALL PROVIDE A METHOD OF GIVING  
21       NOTICE OF SPECIAL MEETINGS.

22       F. MEMBERS OF THE BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT  
23       APPOINTED MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO  
24       TITLE 38, CHAPTER 4, ARTICLE 2 FROM THE ARIZONA INTERNATIONAL DEVELOPMENT  
25       AUTHORITY FUND.

26       G. THE BOARD IS A PUBLIC BODY FOR THE PURPOSES OF TITLE 38, CHAPTER 3,  
27       ARTICLE 3.1 AND A PUBLIC AGENCY FOR THE PURPOSES OF TITLE 38, CHAPTER 3,  
28       ARTICLE 8 BUT IS EXEMPT FROM TITLE 41, CHAPTER 23.

29       H. THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE GENERAL  
30       ADMINISTRATIVE SUPPORT, EQUIPMENT AND OFFICE AND MEETING SPACE TO THE  
31       AUTHORITY. THE DEPARTMENT MAY HIRE STAFF TO PROVIDE ADMINISTRATIVE AND  
32       TECHNICAL ASSISTANCE ON BEHALF OF THE AUTHORITY. MONIES IN THE ARIZONA

1 INTERNATIONAL DEVELOPMENT AUTHORITY FUND MAY BE USED TO PAY FOR STAFF  
2 SERVICES, EQUIPMENT, OPERATING EXPENSES AND OTHER COSTS OR EXPENSES OF THE  
3 AUTHORITY.

4 41-4504. Powers and duties of the authority

5 A. THE AUTHORITY MAY:

6 1. ADOPT AND AMEND BYLAWS AND ADOPT AN OFFICIAL SEAL.

7 2. MAINTAIN AN OFFICE.

8 3. SUE AND BE SUED.

9 4. EMPLOY AN EXECUTIVE DIRECTOR AT THE COMPENSATION AND ON THE TERMS  
10 AND CONDITIONS DETERMINED BY THE BOARD AND EMPLOY OR CONTRACT FOR  
11 ADMINISTRATIVE AND CLERICAL STAFF, PROFESSIONAL AND ADMINISTRATIVE EXPERTS  
12 AND OTHER STAFF AS NECESSARY TO ENABLE THE AUTHORITY TO CARRY OUT ITS  
13 PURPOSES.

14 5. ENGAGE IN ANY LAWFUL ACTIVITIES TO FACILITATE THE DEVELOPMENT OF  
15 INTERNATIONAL TRADE OR COMMERCE BETWEEN THIS STATE AND OTHER COUNTRIES,  
16 INCLUDING ANY OF THE FOLLOWING:

17 (a) SOLICITING AND ACCEPTING GRANTS OF MONIES, MATERIALS OR PROPERTY  
18 OF ANY KIND FROM ANY ENTITY ON TERMS AND CONDITIONS THAT ARE ACCEPTABLE TO  
19 THE AUTHORITY.

20 (b) MAKING AND ENTERING INTO CONTRACTS AND AGREEMENTS, INCLUDING  
21 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3, AND  
22 EXECUTING ALL INSTRUMENTS, PERFORMING ALL ACTS AND DOING ALL THINGS NECESSARY  
23 TO CARRY OUT THE POWERS GRANTED IN THIS CHAPTER, INCLUDING ENTERING INTO  
24 PARTNERSHIP OR JOINT VENTURE AGREEMENTS WITH ANY ENTITY.

25 (c) ADVISING AND CONSULTING WITH THE LEGISLATURE AND FEDERAL AND STATE  
26 AGENCIES REGARDING METHODS, PROPOSALS, PROGRAMS AND INITIATIVES RELATING TO  
27 INTERNATIONAL TRADE OR COMMERCE.

28 (d) ACQUIRING, SELLING, LEASING AS LESSOR OR LESSEE OR OTHERWISE  
29 DISPOSING OF ANY PROJECTS PERMITTED BY THIS CHAPTER ON TERMS AND CONDITIONS  
30 THAT THE AUTHORITY DEEMS ADVISABLE AND THAT ARE NOT IN CONFLICT WITH THIS  
31 CHAPTER.

1           (e) ISSUING REVENUE BONDS FOR THE PURPOSE OF DEFRAYING THE COST OF  
2           ACQUIRING OR OPERATING ANY PROJECT OR TO REFUND, AT OR BEFORE MATURITY, ANY  
3           OUTSTANDING BONDS OR OTHER INDEBTEDNESS.

4           (f) ISSUING GRANTS OR LOANS.

5           (g) COOPERATING WITH OTHER PUBLIC AND PRIVATE ECONOMIC DEVELOPMENT  
6           ORGANIZATIONS INVOLVED IN ENHANCING INTERNATIONAL TRADE OR COMMERCE AND  
7           ECONOMIC DEVELOPMENT.

8           (h) CONSULTING WITH COUNTIES, CITIES, TOWNS AND OTHER AGENCIES AND  
9           POLITICAL SUBDIVISIONS OF THIS STATE AND BORDER REGIONAL PORT AUTHORITIES  
10          RELATING TO PLANS AND PROJECTS AUTHORIZED BY THIS CHAPTER.

11          (i) ESTABLISHING IN EACH OF THE BORDER COUNTIES AN ADVISORY COUNCIL,  
12          CONSISTING OF MEMBERS AND WITH POWERS AND DUTIES AS DETERMINED BY THE BOARD,  
13          TO ADVISE AND COUNSEL THE AUTHORITY IN CARRYING OUT ITS DUTIES. IN THOSE  
14          COUNTIES WHERE A BORDER REGIONAL PORT AUTHORITY EXISTS, THE AUTHORITY SHALL  
15          DESIGNATE THAT BORDER REGIONAL PORT AUTHORITY AS THE ADVISORY COUNCIL FOR  
16          THAT COUNTY. THE AUTHORITY MAY DESIGNATE ONLY ONE BORDER REGIONAL PORT  
17          AUTHORITY IN EACH COUNTY AS AN ADVISORY COUNCIL.

18          (j) DELEGATING THE POWERS AND DUTIES PRESCRIBED IN THIS SECTION TO A  
19          BORDER REGIONAL PORT AUTHORITY. A BORDER REGIONAL PORT AUTHORITY THAT IS  
20          DESIGNATED PURSUANT TO THIS SUBDIVISION MAY TAKE ACTIONS USING THOSE  
21          DELEGATED POWERS ONLY ON THE APPROVAL OF AND WITH OVERSIGHT BY THE BOARD.

22          B. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE AUTHORITY SHALL MAKE A  
23          VERIFIED STATEMENT OF THE FINANCIAL CONDITION OF THE AUTHORITY AS OF AND FOR  
24          THE YEAR ENDING ON THE PRECEDING JUNE 30, SHOWING PARTICULARLY THE RECEIPTS  
25          AND DISBURSEMENTS OF THE AUTHORITY DURING THE FISCAL YEAR, THE SOURCE OF THE  
26          RECEIPTS AND THE PURPOSE OF THE DISBURSEMENTS. WITHIN ONE HUNDRED TWENTY  
27          DAYS AFTER THE END OF EACH FISCAL YEAR, THE AUTHORITY SHALL CAUSE AN AUDIT TO  
28          BE MADE OF THE FUNDS OF THE AUTHORITY BY A CERTIFIED PUBLIC ACCOUNTANT AND  
29          SHALL FILE A COPY OF THE AUDIT WITH THE AUDITOR GENERAL. THE AUDITOR GENERAL  
30          MAY MAKE ANY FURTHER AUDITS AND EXAMINATIONS AS THE AUDITOR GENERAL DEEMS  
31          NECESSARY AND MAY TAKE APPROPRIATE ACTION RELATING TO THE AUDIT PURSUANT TO  
32          CHAPTER 7, ARTICLE 10.1 OF THIS TITLE. IF THE AUDITOR GENERAL TAKES NO

1 OFFICIAL ACTION WITHIN NINETY DAYS AFTER THE AUDIT IS FILED, THE AUDIT IS  
2 DEEMED SUFFICIENT. THE BOARD SHALL PAY ANY FEES AND COSTS OF THE CERTIFIED  
3 PUBLIC ACCOUNTANT AND THE AUDITOR GENERAL UNDER THIS SECTION FROM THE ARIZONA  
4 INTERNATIONAL DEVELOPMENT AUTHORITY FUND.

5 C. THE AUTHORITY SHALL ESTABLISH AN APPLICATION PROCESS AND RELATED  
6 PROCEDURES FOR USE BY THE AUTHORITY IN EVALUATING ANY PROPOSED PROJECT. ANY  
7 PROPRIETARY INFORMATION SUBMITTED TO THE AUTHORITY BY ANY PRIVATE ENTITY IN  
8 CONNECTION WITH ANY APPLICATION IS NOT A PUBLIC RECORD UNDER TITLE 39,  
9 CHAPTER 1, ARTICLE 2, SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL  
10 NOT BE RELEASED WITHOUT THE EXPRESS CONSENT OF THE ENTITY SUBMITTING THE  
11 INFORMATION.

12 D. IN DETERMINING WHETHER TO ACQUIRE OR APPROVE ANY PROJECT, THE  
13 AUTHORITY SHALL LIMIT CONSIDERATION TO PROJECTS THAT WILL BE PLACED SOLELY  
14 WITHIN THE ARIZONA-MEXICO BORDER AREA.

15 E. BEFORE PROCEEDING WITH ANY PROJECT, THE BOARD SHALL ADOPT A  
16 RESOLUTION APPROVING THE PROJECT, SETTING FORTH THE SCOPE OF THE PROJECT AND  
17 STATING, AMONG OTHER THINGS, THAT THE AUTHORITY HAS DETERMINED THAT THE  
18 PROJECT WILL BE IN THE BEST INTERESTS OF THIS STATE.

19 F. THE BOARD SHALL NOT APPROVE A PROJECT UNLESS THE BOARD HAS  
20 DETERMINED THAT THE PROJECT COMPLIES WITH ZONING AND OTHER APPLICABLE  
21 DEVELOPMENT STANDARDS OF THE COUNTY, CITY OR TOWN WITH ZONING JURISDICTION  
22 OVER THE PROPERTY ON WHICH IT IS TO BE LOCATED.

23 41-4505. Fees and charges; Arizona international development  
24 authority fund

25 A. THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY FUND IS ESTABLISHED  
26 CONSISTING OF:

27 1. MONIES RECEIVED FROM TOLLS, FEES, RENTS AND OTHER CHARGES IMPOSED  
28 BY THE AUTHORITY.

29 2. REVENUES, RECEIPTS AND OTHER MONIES RECEIVED BY THE AUTHORITY FROM  
30 PUBLIC OR PRIVATE ENTITIES.

31 3. MONIES RECEIVED FROM THE UNITED STATES GOVERNMENT TO CARRY OUT THIS  
32 CHAPTER.

1           4. INTEREST AND OTHER INCOME RECEIVED FROM INVESTING MONIES IN THE  
2 FUND.

3           5. GIFTS, GRANTS AND DONATIONS RECEIVED FROM ANY PUBLIC OR PRIVATE  
4 SOURCE TO CARRY OUT THIS CHAPTER.

5           6. MONIES APPROPRIATED BY THE LEGISLATURE.

6           7. ANY OTHER MONIES RECEIVED BY THE AUTHORITY.

7           B. THE AUTHORITY MAY FIX, ALTER, CHARGE AND COLLECT TOLLS, FEES AND  
8 RENTS AND MAY IMPOSE ANY OTHER CHARGES FOR THE USE OF ANY AUTHORITY FACILITY  
9 OR FOR SERVICES RENDERED BY THE AUTHORITY ON TERMS AND CONDITIONS THAT THE  
10 AUTHORITY PRESCRIBES. ALL TOLLS, FEES, RENTS AND OTHER CHARGES IMPOSED BY  
11 THE AUTHORITY AND ALL REVENUES, RECEIPTS AND OTHER MONIES RECEIVED BY THE  
12 AUTHORITY EXCEPT AS EXPRESSLY OTHERWISE PROVIDED IN THIS CHAPTER OR IN ANY  
13 RESOLUTION ADOPTED BY THE BOARD IN CONNECTION WITH THE SALE OF ANY ISSUE OF  
14 BONDS SHALL BE DEPOSITED IN THE FUND AND MAY BE USED BY THE AUTHORITY FOR ANY  
15 LAWFUL PURPOSES OF THE AUTHORITY.

16           C. THE BOARD SHALL ADMINISTER THE FUND PURSUANT TO THE REQUIREMENTS OF  
17 THIS CHAPTER. THE BOARD MAY ESTABLISH ACCOUNTS AND SUBACCOUNTS AS NECESSARY  
18 TO PROPERLY ACCOUNT FOR AND USE MONIES RECEIVED BY THE AUTHORITY.

19           D. MONIES IN THE ARIZONA INTERNATIONAL DEVELOPMENT AUTHORITY FUND MAY  
20 BE USED FOR:

21           1. PAYING COSTS TO ADMINISTER THE FUND AND TO CARRY OUT THE  
22 REQUIREMENTS OF THIS CHAPTER.

23           2. PAYING THE COMPENSATION AND EMPLOYMENT RELATED EXPENSES ASSOCIATED  
24 WITH THE EMPLOYMENT OF ADMINISTRATIVE STAFF AND PROFESSIONAL EXPERTS.

25           3. PROVIDING GRANTS OR LOANS FOR INTERNATIONAL TRANSPORTATION AND  
26 INFRASTRUCTURE PROJECTS.

27           41-4506. Cost of operation and administration of authority;  
28 taxation

29           A. THIS STATE IS NOT RESPONSIBLE FOR ANY COSTS INCURRED BY THE  
30 AUTHORITY, INCLUDING COMPENSATION FOR BOARD MEMBERS OR EMPLOYEES, OTHER  
31 OPERATIONAL OR ADMINISTRATIVE COSTS, ANY COSTS OF ACQUIRING, OPERATING OR

1 MAINTAINING ANY PROJECT OR COSTS INCURRED IN THE ISSUANCE OR PAYMENT OF  
2 BONDS.

3 B. ALL COSTS OF THE AUTHORITY SHALL BE PAID FROM BOND PROCEEDS OR FROM  
4 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY.

5 C. THE AUTHORITY, ITS INCOME AND PROPERTY, ALL BONDS ISSUED BY IT AND  
6 THE INTEREST ON THE BONDS ARE EXEMPT FROM ALL TAXATION BY THIS STATE OR ANY  
7 POLITICAL SUBDIVISION OF THIS STATE.

8 41-4507. Issuance of bonds

9 A. THE BOARD, FOR AND ON BEHALF OF THE AUTHORITY, MAY ISSUE NEGOTIABLE  
10 BONDS BY RESOLUTION FOR THE PURPOSE OF ACQUIRING PROJECTS TO FACILITATE  
11 INTERNATIONAL TRADE OR COMMERCE.

12 B. BONDS MAY BE ISSUED IN ONE OR MORE SERIES, MAY BE EVIDENCED BY ONE  
13 OR MORE INSTRUMENTS OR, IF COMMERCIAL PAPER, BY A SUCCESSION OF INSTRUMENTS  
14 EACH BEARING INTEREST PAYABLE CURRENTLY OR ONLY AT MATURITY, BEAR SUCH DATE  
15 OR DATES, BE IN SUCH DENOMINATION OR DENOMINATIONS, MATURE AT SUCH TIME OR  
16 TIMES NOT EXCEEDING FORTY YEARS FROM THEIR RESPECTIVE DATES, MATURE IN SUCH  
17 AMOUNT OR AMOUNTS, BEAR INTEREST AT SUCH RATE OR RATES, BE PAYABLE AT SUCH  
18 TIME OR TIMES, BE IN COUPON OR REGISTERED FORM, CARRY SUCH REGISTRATION  
19 PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT,  
20 AT SUCH PLACE OR PLACES, BE REFUNDABLE EITHER AT OR IN ADVANCE OF MATURITY  
21 AND BE SUBJECT TO SUCH TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUM, AS THE  
22 RESOLUTION OR OTHER RESOLUTIONS MAY PROVIDE. THE BONDS MAY BE SOLD AT EITHER  
23 PUBLIC OR PRIVATE SALE AT, ABOVE OR BELOW THE PRINCIPAL AMOUNT OF THE BONDS  
24 IN THE MANNER AND ON THE TERMS PROVIDED IN THE RESOLUTION ADOPTED BY THE  
25 BOARD.

26 C. BONDS ISSUED UNDER THIS CHAPTER ARE SUBJECT TO THE FOLLOWING:

27 1. THE BONDS MAY BEAR INTEREST AT A FIXED OR VARIABLE RATE OR ANY  
28 COMBINATION OF FIXED AND VARIABLE RATES, NONE OF WHICH EXCEED ANY MAXIMUM  
29 RATE THAT IS APPROVED BY THE AUTHORITY. A VARIABLE RATE SHALL BE BASED ON  
30 ANY OBJECTIVE MEASURE OF THE CURRENT VALUE OF MONEY BORROWED SUCH AS THE  
31 ANNOUNCED PRIME RATE OF A BANK, THE RATES BORNE BY OBLIGATIONS OF THE UNITED  
32 STATES OR AN INDEX OR OTHER FORMULA OR RATE SETTING MECHANISM PROVIDED FOR BY

1 THE AUTHORITY. THE AUTHORITY MAY EMPLOY A RECOGNIZED AGENT IN MUNICIPAL  
2 BONDS TO MARKET AND REMARKET THE BONDS OR COMMERCIAL PAPER ISSUED AND TO  
3 ESTABLISH AN INTEREST RATE PURSUANT TO THE APPROVED INDEX OR FORMULA.

4 2. THE AUTHORITY MAY GRANT TO THE OWNER OF ANY BOND A RIGHT TO TENDER,  
5 OR MAY REQUIRE THE TENDER OF, THE BOND FOR PAYMENT OR PURCHASE AT ONE OR MORE  
6 TIMES BEFORE MATURITY AND, IN SUCH EVENT, MAY ENTER INTO APPROPRIATE  
7 AGREEMENTS WITH ANY BANK, FINANCIAL INSTITUTION, INSURANCE COMPANY OR  
8 INDEMNITY COMPANY FOR PURCHASE OF THE BONDS TENDERED. THE AGREEMENT MAY  
9 PROVIDE THAT WHILE THE BONDS ARE HELD BY THE BANK, FINANCIAL INSTITUTION,  
10 INSURANCE COMPANY OR INDEMNITY COMPANY THE BONDS MAY BEAR INTEREST AT A RATE  
11 HIGHER THAN WHEN THE BONDS ARE HELD BY OTHER OWNERS BUT NOT IN EXCESS OF ANY  
12 MAXIMUM RATE APPROVED BY THE AUTHORITY.

13 3. IF BONDS ARE TENDERED BEFORE MATURITY UNDER AN AGREEMENT TO PAY FOR  
14 OR PURCHASE BONDS WHEN TENDERED, THE AUTHORITY MAY PROVIDE FOR THE PURCHASE  
15 AND RESALE OF THE BONDS PURSUANT TO THE TENDERS WITHOUT EXTINGUISHING THE  
16 INDEBTEDNESS REPRESENTED BY THEM OR INCURRING NEW INDEBTEDNESS ON THE RESALE,  
17 WHETHER OR NOT THE BONDS ARE REPRESENTED BY THE SAME INSTRUMENTS WHEN  
18 PURCHASED AS WHEN RESOLD.

19 D. THE AUTHORITY MAY CONTRACT WITH A BANK, FINANCIAL INSTITUTION,  
20 INSURANCE COMPANY OR INDEMNITY COMPANY TO PROVIDE ADDITIONAL SECURITY FOR THE  
21 BONDS IN THE FORM OF A LINE OF CREDIT, LETTER OF CREDIT OR INSURANCE POLICY  
22 OR ANY OTHER SECURITY, MAY PAY THE COSTS OF SUCH ADDITIONAL SECURITY FROM THE  
23 PROCEEDS OF THE BOND ISSUE OR FROM OTHER AVAILABLE SOURCES AND MAY ENTER INTO  
24 REIMBURSEMENT OBLIGATIONS SUBJECT TO THE FOLLOWING:

25 1. ANY REIMBURSEMENT OBLIGATION ENTERED INTO WITH THE BANK, FINANCIAL  
26 INSTITUTION, INSURANCE COMPANY OR INDEMNITY COMPANY SHALL NOT PROVIDE FOR THE  
27 PAYMENT OF INTEREST IN EXCESS OF ANY MAXIMUM RATE AUTHORIZED BY THE  
28 AUTHORITY. THE REIMBURSEMENT OBLIGATION DOES NOT CONSTITUTE SEPARATE  
29 INDEBTEDNESS OF THE AUTHORITY BUT IS PAYABLE FROM THE SAME SOURCE AS THE  
30 BONDS, OR FROM OTHER AVAILABLE REVENUES, AS DETERMINED BY THE AUTHORITY.

1           2. ADMINISTRATIVE COSTS RELATED TO THE REIMBURSEMENT OBLIGATION MAY BE  
2 DEDUCTED FROM BOND PROCEEDS OR MAY BE TREATED AS INTEREST AND PAID FROM THE  
3 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY.

4           E. IF THE BONDS ARE TO BE ISSUED IN THE FORM OF COMMERCIAL PAPER, THE  
5 AUTHORITY SHALL FIRST PROVIDE FOR THE ESTABLISHMENT OF THE SCHEDULE FOR THE  
6 MATURITIES OF THE BONDS WITHIN ANY MAXIMUM PERIOD PERMITTED BY THE BOND  
7 RESOLUTION. INDIVIDUAL INSTRUMENTS REPRESENTING THE BOND SHALL MATURE OVER  
8 SHORTER PERIODS AND MAY BE RETIRED WITH THE PROCEEDS OF DEFINITIVE BONDS, BUT  
9 THEY SHALL BE FINALLY PAID ACCORDING TO THE SCHEDULE OF BOND MATURITIES OR  
10 EARLIER. BONDS ISSUED IN THE FORM OF COMMERCIAL PAPER MAY BE SOLD THROUGH AN  
11 AGENT IN THE FORM OF INSTRUMENTS THAT MATURE AT INTERVALS THE AGENT  
12 DETERMINES TO BE MOST ADVANTAGEOUS TO THE AUTHORITY AFTER GIVING PUBLIC  
13 NOTICE TO POTENTIAL INVESTORS AS DETERMINED BY THE AUTHORITY.

14           F. BONDS MAY BE ISSUED AS COMPOUND INTEREST BONDS BEARING INTEREST  
15 PAYABLE ONLY AT MATURITY BUT COMPOUNDED PERIODICALLY UNTIL THAT DATE AT A  
16 RATE NO HIGHER THAN ANY MAXIMUM RATE APPROVED BY THE AUTHORITY.

17           G. PRINCIPAL AND INTEREST ON THE BONDS ARE PAYABLE SOLELY FROM THE  
18 REVENUES, RECEIPTS OR OTHER MONIES RECEIVED OR HELD BY THE AUTHORITY.

19           H. ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS MAY PROVIDE FOR:  
20           1. EXECUTION OF TRUST INDENTURES, TRUST AGREEMENTS OR ASSIGNMENTS TO A  
21 TRUSTEE OF THE AGREEMENTS RELATING TO THE PROJECT OR PROJECTS TO BE ACQUIRED  
22 BY THE SERIES OR ISSUE OF BONDS SETTING FORTH THE POWERS, DUTIES AND REMEDIES  
23 AVAILABLE TO TRUSTEES, LIMITING LIABILITIES, DESCRIBING WHAT OCCURRENCES  
24 CONSTITUTE DEFAULT AND PRESCRIBING TERMS AND CONDITIONS ON WHICH TRUSTEES OR  
25 HOLDERS OF BONDS OF ANY SPECIFIED AMOUNT OR PERCENTAGE OF SUCH BONDS MAY  
26 EXERCISE AND ENFORCE ANY RIGHTS, COVENANTS AND REMEDIES IN ORDER TO PROTECT  
27 THE BONDHOLDER OR BONDHOLDERS AND FACILITATE THE PAYMENT OF THE PRINCIPAL AND  
28 INTEREST ON THE BONDS.

29           2. CAPITALIZATION OF A BOND RESERVE FROM BOND PROCEEDS OR FROM THE  
30 REVENUES, RECEIPTS OR OTHER MONIES OF THE AUTHORITY WHEN THE BOARD DEEMS  
31 NECESSARY.



1           3. LIMITATIONS ON THE ISSUANCE OF FUTURE BONDS OR RESTRICTIONS OR  
2 FORMULAS RELATIVE TO THE ISSUANCE OF FUTURE BONDS OF EQUAL OR SECONDARY LIEN,  
3 OR FOR A LIEN ON OR PLEDGE OF THE REVENUES, RECEIPTS OR OTHER MONIES OF THE  
4 AUTHORITY.

5           4. RESTRICTIONS AS TO LIENS, ENCUMBRANCES OR ALIENATION OF ANY  
6 PROJECT.

7           5. COVENANTS AS TO ANY PROCEDURES BY WHICH THE TERMS OF ANY AGREEMENT  
8 FOR THE BENEFIT OF HOLDERS OF SUCH BONDS MAY BE AMENDED OR ABROGATED, THE  
9 AMOUNT OR PERCENTAGE OF BONDHOLDERS WHO MUST CONSENT AND THE MANNER IN WHICH  
10 THE CONSENT MAY BE GIVEN.

11           6. VESTING IN A TRUSTEE OR HOLDER OF ANY SPECIFIED AMOUNT OR  
12 PERCENTAGE OF BONDS THE RIGHT TO APPLY TO ANY COURT OF COMPETENT JURISDICTION  
13 FOR, AND HAVE GRANTED, THE APPOINTMENT OF A RECEIVER TO ACT UNDER THE TERMS  
14 OF ANY AGREEMENT.

15           I. BONDS ISSUED UNDER THIS CHAPTER ARE FULLY NEGOTIABLE WITHIN THE  
16 MEANING AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE REGARDLESS OF  
17 WHETHER THE BONDS CONSTITUTE NEGOTIABLE INSTRUMENTS UNDER THE UNIFORM  
18 COMMERCIAL CODE.

19           J. BONDS ISSUED UNDER THIS CHAPTER:

20           1. ARE PAYABLE ONLY ACCORDING TO THEIR TERMS.

21           2. ARE OBLIGATIONS OF THE AUTHORITY AND ARE NOT GENERAL, SPECIAL OR  
22 OTHER OBLIGATIONS OF THIS STATE.

23           3. DO NOT CONSTITUTE A LEGAL DEBT OF THIS STATE.

24           4. ARE NOT ENFORCEABLE AGAINST THIS STATE, AND PAYMENT OF THE BONDS IS  
25 NOT ENFORCEABLE OUT OF ANY MONIES OTHER THAN THE INCOME AND REVENUE OR OTHER  
26 SECURITY PLEDGED AND ASSIGNED BY THE AUTHORITY TO, OR IN TRUST FOR THE  
27 BENEFIT OF, THE HOLDER OR HOLDERS OF THE BONDS.

28           5. ARE SECURITIES IN WHICH PUBLIC OFFICERS AND BODIES OF THIS STATE  
29 AND OF MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE, ALL  
30 COMPANIES, ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS,  
31 ALL FINANCIAL INSTITUTIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING  
32 ON A BANKING BUSINESS, ALL FIDUCIARIES AND ALL OTHER PERSONS WHO ARE

1 AUTHORIZED TO INVEST IN GOVERNMENT OBLIGATIONS MAY PROPERLY AND LEGALLY  
2 INVEST.

3 6. ARE SECURITIES THAT MAY BE DEPOSITED WITH PUBLIC OFFICERS OR BODIES  
4 OF THIS STATE AND MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE FOR  
5 PURPOSES THAT REQUIRE THE DEPOSIT OF GOVERNMENT BONDS OR OBLIGATIONS.

6 41-4508. Effect of changing circumstances on bonds; agreement  
7 of this state

8 A. BONDS ISSUED UNDER THIS CHAPTER ARE VALID AND BINDING OBLIGATIONS  
9 OF THE AUTHORITY NOTWITHSTANDING THAT BEFORE THE DELIVERY OF THE BONDS ANY OF  
10 THE PERSONS WHOSE SIGNATURES APPEAR ON THE BONDS CEASE TO BE OFFICERS OF THE  
11 AUTHORITY. THE VALIDITY OF THE BONDS IS NOT DEPENDENT ON OR AFFECTED BY THE  
12 VALIDITY OR REGULARITY OF ANY PROCEEDINGS TO ACQUIRE ANY PROJECT FINANCED BY  
13 THE BONDS OR TAKEN IN CONNECTION WITH THE BONDS. AN ACTION MAY NOT BE  
14 BROUGHT QUESTIONING THE LEGALITY OF ANY AGREEMENT, PROCEEDINGS OR ISSUANCE OF  
15 BONDS AFTER TWO MONTHS FROM THE DATE THE BONDS ARE AUTHORIZED TO BE ISSUED BY  
16 THE BOARD.

17 B. ANY AMENDMENT OF ANY PROVISION IN THIS CHAPTER DOES NOT DIMINISH OR  
18 IMPAIR THE VALIDITY OF BONDS ISSUED UNDER THIS CHAPTER OR THE REMEDIES AND  
19 RIGHTS OF BONDHOLDERS.

20 C. THIS STATE PLEDGES TO AND AGREES WITH THE HOLDERS OF THE BONDS  
21 AUTHORIZED BY THIS CHAPTER THAT THIS STATE WILL NOT LIMIT, ALTER OR IMPAIR  
22 THE RIGHTS VESTED IN THE AUTHORITY TO COLLECT THE MONIES NECESSARY TO PRODUCE  
23 SUFFICIENT REVENUE TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH OR FOR  
24 THE BENEFIT OF THE HOLDERS OF THE BONDS, OR IN ANY WAY IMPAIR THE RIGHTS AND  
25 REMEDIES OF THE BONDHOLDERS, UNTIL ALL BONDS ISSUED UNDER THIS CHAPTER,  
26 TOGETHER WITH INTEREST ON THE BONDS, INTEREST ON ANY UNPAID INSTALLMENTS OF  
27 PRINCIPAL OR INTEREST AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY  
28 ACTION OR PROCEEDINGS BY OR ON BEHALF OF THE BONDHOLDERS, ARE FULLY PAID AND  
29 DISCHARGED. THE AUTHORITY MAY INCLUDE THIS PLEDGE AND UNDERTAKING IN ITS  
30 RESOLUTIONS AND INDENTURES AUTHORIZING AND SECURING ITS BONDS.

1           41-4509. Validity of bonds

2           A. THIS CHAPTER CONSTITUTES FULL AUTHORITY FOR AUTHORIZING AND ISSUING  
3 BONDS WITHOUT REFERENCE TO ANY OTHER LAW OF THIS STATE. NO OTHER LAW WITH  
4 REGARD TO AUTHORIZING OR ISSUING OBLIGATIONS OR THAT IN ANY WAY IMPEDES OR  
5 RESTRICTS PERFORMING THE ACTS AUTHORIZED BY THIS CHAPTER MAY BE CONSTRUED TO  
6 APPLY TO ANY PROCEEDINGS TAKEN OR ACTS DONE PURSUANT TO THIS CHAPTER.

7           B. THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE IS NOT DEPENDENT ON  
8 OR AFFECTED BY THE LEGALITY OF ANY PROCEEDING RELATING TO THE ACQUISITION,  
9 CONSTRUCTION, IMPROVEMENT OR EXTENSION OF A PROJECT FOR WHICH THE BONDS ARE  
10 ISSUED.

11          C. THE BONDS SHALL RECITE THAT THEY ARE REGULARLY ISSUED PURSUANT TO  
12 THIS CHAPTER. THIS RECITAL CONSTITUTES PRIMA FACIE EVIDENCE OF THE LEGALITY  
13 AND VALIDITY OF THE BONDS. FROM AND AFTER THE SALE AND DELIVERY OF THE  
14 BONDS, THEY ARE INCONTESTABLE BY THIS STATE OR THE AUTHORITY.

15           41-4510. Monies from bond sales; use; acquisition of projects

16          A. THE BOARD SHALL DEPOSIT PROCEEDS DERIVED FROM THE SALE OF BONDS  
17 UNDER THIS CHAPTER IN SEPARATE BANK ACCOUNTS IN BANKS OR TRUST COMPANIES THAT  
18 ARE MEMBERS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION AND AS MAY BE  
19 DESIGNATED BY THE BOARD. IF REQUIRED BY THE BOARD, THESE DEPOSITS SHALL BE  
20 SECURED BY OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES OF A MARKET  
21 VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT. ALL BANKS AND TRUST  
22 COMPANIES ARE AUTHORIZED TO GIVE THIS SECURITY. IN THE ALTERNATIVE, PROCEEDS  
23 FROM THE SALE OF BONDS MAY BE INVESTED AND REINVESTED BY THE BOARD IN  
24 OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES. THESE MONIES SHALL BE  
25 CONSIDERED AS HELD FOR AND ON BEHALF OF THE AUTHORITY.

26          B. EXCEPT FOR MONIES ALLOCATED FOR PAYMENTS OF COSTS OR FOR  
27 CAPITALIZED RESERVE, ALL MONIES OF THE AUTHORITY DERIVED FROM THE SALE OF  
28 BONDS SHALL BE USED TO ACQUIRE OR OPERATE THE PROJECTS OF THE AUTHORITY AND  
29 SHALL BE DISBURSED AS DIRECTED BY THE BOARD AND PURSUANT TO THE TERMS OF ANY  
30 AGREEMENTS FOR THE BENEFIT OF THE BONDHOLDERS.

31          C. THIS SECTION DOES NOT LIMIT THE POWER OF THE BOARD TO AGREE IN  
32 CONNECTION WITH THE ISSUANCE OF THE BONDS AS TO THE CUSTODY AND DISPOSITION

1 OF MONIES RECEIVED FROM THE SALE OF THE BONDS OR THE INCOME AND REVENUE  
2 PLEDGED AND ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE BONDHOLDERS.

3 41-4511. Refunding bonds; procedures; terms

4 A. THE AUTHORITY MAY ISSUE REFUNDING BONDS FOR THE PURPOSE OF  
5 REFINANCING, PAYING AND DISCHARGING ALL OR ANY PART OF OUTSTANDING REVENUE  
6 BONDS OF THE AUTHORITY OF ANY ONE OR MORE OR ALL OUTSTANDING ISSUES OR  
7 SERIES.

8 B. ANY REFUNDING BONDS ISSUED BY THE AUTHORITY SHALL BE ISSUED ON THE  
9 SAME TERMS AND CONDITIONS AND ARE SUBJECT TO THE SAME LIMITATION ESTABLISHED  
10 IN THIS CHAPTER FOR THE ISSUANCE OF THE AUTHORITY'S BONDS.

11 C. ANY BONDS THAT ARE REFUNDED UNDER THIS SECTION SHALL BE PAID AT  
12 MATURITY OR ON ANY PERMITTED PRIOR REDEMPTION DATE IN THE AMOUNTS, AT THE  
13 TIME AND PLACES AND, IF CALLED BEFORE MATURITY, PURSUANT TO ANY APPLICABLE  
14 NOTICE PROVISIONS, AS PROVIDED IN THE PROCEEDINGS AUTHORIZING THE ISSUANCE OF  
15 THE REFUNDED BONDS OR OTHERWISE RELATING TO THE BONDS, EXCEPT FOR ANY BOND  
16 THAT IS VOLUNTARILY SURRENDERED FOR EXCHANGE OR PAYMENT BY THE HOLDER OR  
17 OWNER.

18 D. PROVISION SHALL BE MADE FOR PAYING THE BONDS REFUNDED AT THE TIME  
19 PROVIDED IN THE RESOLUTION OF THE AUTHORITY. THE PRINCIPAL AMOUNT OF THE  
20 REFUNDING BONDS MAY EXCEED THE PRINCIPAL AMOUNT OF THE REFUNDED BONDS AND MAY  
21 BE LESS THAN OR THE SAME AS THE PRINCIPAL AMOUNT OF THE BONDS BEING REFUNDED  
22 AS LONG AS PROVISION IS MADE FOR THE PAYMENT OF THE REFUNDED BONDS.

23 E. THE PROCEEDS OF ANY REFUNDING BONDS, EXCLUDING ANY ACCRUED INTEREST  
24 OR PREMIUM DERIVED FROM THE SALE OF THE REFUNDING BONDS, SHALL EITHER BE  
25 IMMEDIATELY APPLIED TO THE RETIREMENT OF THE BONDS BEING REFUNDED OR BE  
26 PLACED IN ESCROW IN A COMMERCIAL BANK OR TRUST COMPANY THAT POSSESSES AND IS  
27 EXERCISING TRUST POWERS AND THAT IS A MEMBER OF THE FEDERAL DEPOSIT INSURANCE  
28 CORPORATION TO BE APPLIED TO THE PAYMENT OF THE PRINCIPAL OF, INTEREST ON AND  
29 ANY REDEMPTION PREMIUM DUE IN CONNECTION WITH THE REFUNDED BONDS. REFUNDING  
30 BOND PROCEEDS EXCLUDING ANY ACCRUED INTEREST AND PREMIUM DERIVED FROM THE  
31 SALE OF THE REFUNDING BONDS MAY BE APPLIED TO THE PAYMENT OF EXPENSES  
32 INCIDENTAL TO THE REFUNDING AND THE ISSUANCE OF THE REFUNDING BONDS.

1           Sec. 6. Initial terms of members of the Arizona international  
2                           development authority

3           A. Notwithstanding section 41-4503, Arizona Revised Statutes, as added  
4 by this act, the initial terms of members of the Arizona international  
5 development authority are:

6                 1. Four terms ending on the third Monday in January, 2015.

7                 2. Three terms ending on the third Monday in January, 2013. The  
8 governor may reappoint the appointees to these terms for one additional  
9 five-year term.

10           B. The governor shall make all subsequent appointments as prescribed  
11 by statute.

12           Sec. 7. Purpose

13           Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
14 the purpose of the Arizona international development authority is to  
15 encourage trade, commerce and economic development between this state and  
16 other countries."

17 Amend title to conform

and, as so amended, it do pass

JOHN KAVANAGH  
Chairman

2252-se-approps  
3/18/09  
H:jjb

2252rj\*  
02/03/2009  
10:53 AM  
C: mo